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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 683,955	03 06 2002	Adeyinka Adedepi	08CN5915-2	7588

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EXAMINER

SHORT, PATRICIA A

ART UNIT

PAPER NUMBER

1712

DATE MAILED 09 03 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683955

Applicant(s)

Adedeji

Examiner

Shurt

Group Art Unit

1712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on June 6, 2003
This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-23 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
☐ Claim(s) _____ is/are allowed.
☒ Claim(s) 1-23 is/are rejected.
☐ Claim(s) _____ is/are objected to.
☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413
☒ Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

Art Unit: 1712

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over each of Fujii and Chambers in view of WO '946 (Mhetar). Each of Fujii and Chambers teaches blends of polyphenylene ether, polyamide and a compatibilizer. The compatibilizer can be citric acid and the blends optionally include an impact modifier that can be styrene-butadiene-styrene block copolymer. See Fujii at col. 1, lines 32-56, col. 7, lines 12-13 and Examples, and Chambers at col. 3, line 18 through col. 4, lines and Examples. The compositions may contain processing aids. See Fujii Table VII and Chambers at col. 5, line 31. WO '946 teaches dendritic polyesters that can be used as processing aids in thermoplastic polymers that include polyphenylene ether/polyamide blends. See page 3, line 19, page 4, lines 16-17, page 6, lines 1-13 and Figure 1. In view of WO '946, it would have been obvious to use a dendritic polyester as the processing aid in the compatibilized polyphenylene ether/polyamide blends of each of Fujii and Chambers in order to enhance melt flow thus improving processability.

WO '946 (Mhetar) is an equivalent of U.S. '959 (Mhetar) applied in the previous Office action. However, as the above rejection is based upon WO '946 as prior art under 35 U.S.C. 102(a), the statement of common ownership submitted in the response filed June 6, 2003 does not overcome this rejection.

P. Short

August 26, 2003

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